

BEFORE THE
PHYSICIANS ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of:

BAB HAYA

Respondent

File No: 1E-2007-184145


OAH No. 2008030899

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Physician Assistant Committee of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on July 31, 2008 at 5:00 PM.

IT IS SO ORDERED this first day of July, 2008.



ROBERT E. SACHS, P.A.-C, President
Physician Assistant Committee
Medical Board of California

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of Revoked Certificate of:

Case No. 1E-2007-184145

BAB HAYA
Anaheim, California 92807

OAH No. 2008030899

Physician Assistant License No. 13074
(Revoked Status)

Respondent.

DECISION

This matter was heard by a quorum of the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs, State of California, on May 1, 2008, in Sacramento, California. Administrative Law Judge Stephen J. Smith, Office of Administrative Hearings, State of California, presided, but took no part in the making of the Decision.

Dian M. Vorters, Deputy Attorney General, California Department of Justice, Health Quality Enforcement Section, represented the people of the State of California.

Bab Haya, P.A., appeared and was represented by Shawn S. Haghighi, Attorney at Law, of the Cifarelli Law Firm.

The Physician Assistant Committee heard oral argument, considered the pleadings, papers and documents in evidence, and decided the matter in Executive Session on May 1, 2008.

FACTUAL FINDINGS

1. The Physician Assistant Committee (the Committee), Medical Board of California, Department of Consumer Affairs, State of California has jurisdiction to deny an application, condition the issuance of, or impose probationary conditions upon or to grant or

deny reinstatement of any license to practice as a Physician Assistant (PA) in the State of California.¹

2. Bab Haya (Petitioner) was issued a license to practice as a PA in the State of California on March 8, 1993, license number PA-13074. The license was issued with the understanding that Petitioner would be subject to all the statutes, regulations and rules governing practice as a PA in the State of California.

3. The Board filed a Petition for Issuance of an Order of Interim Suspension (ISO) of Petitioner's PA license on March 27, 2003. The Petition was heard by Hon. Stuart Waxman. The Petition was granted on May 20, 2003, and Petitioner's PA license was immediately suspended. The suspension was based upon a credible factual showing by the Board that Petitioner engaged in numerous acts of unprofessional conduct and fraud, and that permitting Petitioner to continue to practice as a PA during the period while the allegations against him were pending would jeopardize the health, safety and welfare of the public.

4. The Committee and Petitioner entered into a stipulation, effective September 23, 2003, wherein the Committee permitted Petitioner to surrender his PA license while disciplinary charges were pending against him. The Committee and Petitioner agreed in the stipulation that the Accusation pending against Petitioner would be dismissed, but in the event Petitioner sought to reinstate his license at any time in the future, the Committee will deem all of the allegations in the Accusation true.

5. Petitioner agreed in the Stipulation for Surrender of License that he engaged in unprofessional conduct including, but not limited to the following: unlicensed practice of medicine; aiding and abetting the unlicensed practice of a PA; insurance and Medi-Cal fraud, creation of false medical records and the making of false representations in a clinic where he worked; gross negligence and repeated negligent acts for prescribing without a good faith medical examination and without sufficient medical indication; violations of drug dispensing and storage regulations; illegal corporate practice of medicine and false representations on corporate licensing and registration documents; and breach of professional confidences regarding two patients.

6. Petitioner filed the instant Petition for Reinstatement of Surrendered License on or about May 14, 2007. This is the first Petition for Penalty Relief filed by Petitioner since he surrendered his license. The Committee set the matter for oral argument and consideration of the Petition in executive session. Petitioner has not practiced in the medical or allied health care fields since he surrendered his license in 2003.

7. Petitioner was born and raised in Lai, Chad, in West Africa. He emigrated to the United States as an adult. He received a Bachelor of Science degree in Nursing from an unidentified University in Cairo, Egypt, on a date not proved but before 1988. He received a Master of Public Health degree from Loma Linda University in 1989. He testified at the

¹ Business and Professions Code section 3527, subdivision (a).

evidentiary hearing on his Petition that his specialty in his MPH program was the prevention of malaria in Third World countries. He received his PA-C from University of Southern California in 1993. In his curriculum vitae, he lists the fact that he has been the Office Manager of Fresh Start Cleaners, a business he co-owns with his wife, since 1994.

8. There is no evidence in any of the records regarding what Petitioner's practice as a PA was between 1993 and 1999.

9. The facts leading to the disciplinary action against Petitioner are largely drawn from the Factual Findings made by Judge Waxman in issuing his ISO Order.

10. In August, 1999, Petitioner sought to enter into a lease agreement for space for a medical clinic from a property management company. He falsely represented to the management company he was a MD. He entered into a lease with the management company for the space in November 1999. In the lease documents, Petitioner repeatedly represented himself to be a MD, and signed the lease in that capacity.

11. In December 1999, Petitioner executed Articles of Incorporation for the Haya Medical Group, Incorporated (HMG). The stated business of HMG in the Articles was the practice of medicine. HMG was created to facilitate Petitioner's unlicensed practice of medicine.

12. Petitioner filed a Statement by Domestic Stock Corporation with the California Secretary of State regarding HMG. Petitioner identified his wife as Secretary and Chief Financial Officer. The law prohibits an unlicensed person from serving in such capacity in a medical corporation.

13. HMG entered into a contract with Vantage Medical Group (Vantage) to become a participating contract provider of medical services in Vantage's network. Petitioner falsely represented that HMG was licensed to practice medicine in the State of California in the contract. The contract appended a statement listing the corporate officers of HMG. Petitioner's wife was listed as co-owner and an officer of HMG.

14. One of Vantage's contracted Preferred Provider Organizations (PPO) audited HMG in August 2000. The contract with Vantage was made on the representation that Dr. Henry was the supervising MD and was present in the clinic at least 20 hours per week. The audit found Dr. Henry was not present in the clinic as represented and did not supervise the work of petitioner and other PAs and certified nurse practitioners who worked in the clinic. The audit also found that petitioner was well aware that Dr. Henry was not present in the clinic and was not supervising his and other PAs work. The audit found patient charts, x-rays, lab results and other tests were not being regularly reviewed by a licensed MD.

15. Petitioner hired Alberto Encina, M.D., purportedly to work in HMG as the Medical Director and supervising MD from 2000 to 2002. The contract was illegal, as a PA may not hire a MD as petitioner did. Dr. Encina was to be paid \$500 per month. Petitioner

claimed the agreement authorized HMG to use Dr. Encina's license to conduct medical business and to apply for any private or government health care services or contracts. Dr. Encina worked at the HMG clinic briefly and supervised petitioner for a few months. Although he continued to be paid for the nominal position of Medical Director and for work supervising PAs in the clinic, Dr. Encina did not perform any such work after the first few months following the date the contract was made.

16. Petitioner hired Usha V. Date, M.D., to work for HMG in September 2000. Dr. Date made it clear she could only work 12 hours per week for HMG. Petitioner had her execute a contract that represented that she would be present in the HMG clinic a minimum of 20 hours per week, in order to comply with the requirements of Vantage and other PPOs, and with the audit findings (above). Petitioner falsely represented in the contract that Dr. Encina was serving as the Medical Director of HMG. Dr. Date was hired to review and supervise petitioner's work as a PA. Dr. Date never reviewed any of petitioner's charts, did not authorize him to or review his dispensing of medications, and never acquired any knowledge of petitioner's skills and abilities as a PA.

17. Petitioner hired Ms. Diaz de Chavez as a medical assistant at HMG in October 2000. She continued to work for HMG until March 2001. While she worked at HMG, petitioner represented himself to her as Dr. Haya, and told her he was the owner of the clinic. He later told her he was a PA. He also told her Dr. Encina was the Medical Director of HMG. Petitioner instructed Ms. Diaz de Chavez to represent to anyone who asked that Dr. Date was present in the clinic when Dr. Date was not present. Petitioner authorized her to administer vaccinations and to draw blood, even when no physician was present. She repeatedly heard petitioner refer to himself as "Dr. Haya" to patients and staff in the clinic.

18. Petitioner repeatedly practiced as a PA between November 2000 and 2003 without any supervision by a licensed MD. He repeatedly held himself out to patients and staff as a MD during this three year period.

19. Petitioner hired Alfred Cisneros, M.D., in February 2001, to work for petitioner at HMG. Petitioner falsely told Dr. Cisneros that it was legal for a PA to own and operate a medical clinic. He also falsely told Dr. Cisneros that Dr. Encina was the Medical Director of HMG and was supervising petitioner's work as a PA.

20. Petitioner entered into another contract with Vantage in November 2000. In the contract, petitioner false represented Dr. Date as the supervising MD and that HMG was licensed to practice medicine in California. Petitioner falsely represented Dr. Encina was the Medical Director of HMG in an addendum to the contract. Petitioner also had Dr. Date execute a document representing that Dr. Date was the physician supervisor, and that Dr. Encina and Dr. Cisneros would act as consultants and would receive referrals in Dr. Date's absence.

21. Neither Dr. Encina nor Dr. Cisneros ever served on the HMG Board of Directors. Petitioner filed a false statement with the California Secretary of State representing that Dr. Cisneros was the Chairman of HMG and Dr. Encina was the Vice President. The document was filed January 11, 2001.

22. Petitioner signed another contract on behalf of HMG with Vantage on March 23, 2001, in which petitioner again represented HMG was licensed to practice medicine in California. In an attachment, petitioner falsely represented that Dr. Encina and Dr. Cisneros were co-owners of HMG. Petitioner also falsely represented in the contract that Dr. Encina was actually providing medical services to patients at HMG in the clinic.

23. Vantage began a credentialing audit of Dr. Encina in April 2001. The audit discovered quality of care deficiencies, such as PAP smears that were not performed according to accepted protocols. It was also noted that several patient's charts lacked sufficient and adequate health histories.

24. Based on petitioner's false representations that Dr. Date was present and working in the clinic at least 20 hours per week, Vantage assigned patients to her care and paid respondent accordingly. The patients did not receive care from Dr. Date, as Vantage believed and contracted. Dr. Date terminated her contract with HMG on May 31, 2001. Vantage assigned more patients to HMG for care from Dr. Date in June 2001, and for which petitioner received payment, even though Dr. Date no longer worked for HMG.

25. Petitioner provided Vantage a document on June 1, 2001 containing Dr. Encina's forged signature, falsely representing that Dr. Encina was petitioner's supervising physician.

26. Petitioner submitted an application for a fictitious name permit in June 2001 and filed it with the Board. The application was made under penalty of perjury. Petitioner represented that Dr. Encina and Dr. Cisneros were co-owners of HMG with petitioner. The signatures of Dr. Encina and Dr. Cisneros were forged. The Board denied the permit on June 7, 2001, and advised petitioner that a PA cannot be an owner of a medical practice, and that a different name must be used. Petitioner amended the filing and filed again with the Board on June 14, 2001. In the first amended filing, he changed the name to "Valet Medical Group," with the same address as HMG. Dr. Encina and Dr. Cisneros were again falsely represented to be co-owners of Valet, and the signatures of both were again forged. Petitioner dropped his name as an owner, but he still listed himself as an applicant. The first amended filing was denied by the Board on June 22, 2001, with a letter advising petitioner that a PA cannot legally be an applicant for a fictitious name permit for a medical practice. Respondent filed again, this time leaving his name off the application altogether. The Board issued the fictitious name permit to Valet on July 5, 2001. The permit was based upon repeated petitioner's repeated fraudulent representations.

27. Dr. Cisneros terminated his contract with HMG in August 2001. He did not work at HMG again until May 2002. Nevertheless, Vantage assigned patients to Dr. Cisneros' care from August 2001 forward and paid petitioner through HMG for their care. More patients were assigned to HMG by Vantage in September 2001, on the representation that either Dr. Date or Dr. Cisneros were working in the clinic at least 20 hours per week. Neither physician worked at all in the clinic during this period of time. Petitioner submitted a statement to Vantage dated August 10, 2001 that represented that Dr. Cisneros and/or Dr. Date worked in HMG at least 20 hours per week and were providing care to patients in HMG.

28. Vantage continued to place patients with HMG in December 2001, January, February, March and April 2002 under the fraudulent representation made by petitioner that Dr. Date and/or Dr. Cisneros were primary care providers available to treat Vantage's patients and that these physicians still worked at the clinic at least 20 hours per week.

29. Petitioner sent Vantage a statement on November 15, 2001 bearing Dr. Encina's signature, representing that Dr. Encina was the supervisor of Ms. Sanchez, a certified nurse practitioner. The statement was false and the signature was forged.

30. Between January 8, 2002 and May 8, 2002, 90 prescriptions purportedly written by Dr. Cisneros were filled at a pharmacy located in the same shopping complex as the HMG clinic. Dr. Cisneros only worked for the clinic three days during this period. He did not write or authorize any of the prescriptions. He did not supervise petitioner's PA practice. Between May 8, 2002 and October 17, 2002, more than 100 prescriptions purportedly written by Dr. Encina were filled at the same pharmacy in the same complex as HMG. None of the prescriptions were written or authorized by Dr. Encina and none of the persons for whom the prescriptions were written were Dr. Encina's patients.

31. Petitioner hired Ms. Sanchez, a certified nurse practitioner, in February 2002 to work in the HMG clinic. Petitioner told Ms. Sanchez that Dr. Cisneros would be her supervisor and review her charts, even though Dr. Cisneros had not worked at the clinic for several months. Ms. Sanchez was permitted to work independently. Between February 2002 and June 2002, Ms. Sanchez performed female pelvic examinations, obtained PAP smears, prescribed birth control treatment and treated urinary tract infections. Ms. Sanchez never met Dr. Cisneros or Dr. Encina. Her work and charts were never reviewed by a physician. She quit in June 2002 because no physician had ever reviewed and approved her work protocols.

32. Petitioner sent Vantage a document purportedly bearing the signature of Dr. Date on March 6, 2002. Dr. Date had not worked for HMG for more than nine months at the time and the signature was forged. The document falsely represented Dr. Date was petitioner's supervising physician.

33. Petitioner called Dr. Cisneros in April 2002, and advised him that petitioner was being investigated by the Committee for possible unsupervised practice. Petitioner asked Dr. Cisneros to make a false statement to the Board that Dr. Cisneros had been seeing patients at HMG, and that Dr. Cisneros was a shareholder of HMG and had participated in a HMG corporate organizational meeting via conference call.

34. Petitioner provided the Board the minutes of a HMG corporate organizational meeting that purportedly took place on November 19, 2002. The minutes falsely represented that Dr. Cisneros and Dr. Encina were corporate officers and participated in the meeting, and that each owned shares in HMG.

35. Petitioner hired Ms. Zuniga to work at HMG, then known as Valet Medical Group (VMG), as a medical assistant. Between May 28, 2002 and August 12, 2002, Ms. Zuniga, at petitioner's direction but unsupervised, drew blood from patients at least 50 times and gave more than 40 injections.

36. On four occasions in late 2002, petitioner gave medications to overweight persons accompanying patients who requested the medications without first conducting a physical examination or obtaining a patient history.

37. Petitioner told a Vantage representative on June 19, 2002, that Dr. Date was the supervising physician for HMG/VMG. Dr. Date terminated her relationship with HMG more than a year earlier. On June 25, 2002, a HMG/VMG receptionist told a Vantage representative that Dr. Cisneros was the supervising physician for the clinic.

38. Petitioner sutured a head laceration for a patient in July 2002, without first cleaning the wound or using sterile gloves. He prescribed a diuretic medication to Ms. Z., one of the HMG medical assistants, on August 7, 2002, when she told him she wanted to lose weight. He did not perform a physical examination or take a patient history before prescribing the diuretic.

39. Medical assistant Ms. Garcia gave unsupervised injections to at least 15 patients and drew blood unsupervised from at least 10 patients between November and December 2002. During the time Ms. Garcia worked at the clinic, petitioner wore a green smock that did not identify him as a PA, and he allowed patients and staff to call him "doctor."

40. Petitioner told two patients in November and December 2002 that they had blood in their urine, when they did not. In the same time period, petitioner breached the physician-patient confidence of two other patients. He also instructed a medical assistant not to disclose to any person inquiring any information regarding licensing. Petitioner used a urinalysis machine in the clinic in the same time period that was not properly calibrated that gave inaccurate results.

41. Petitioner was arrested on December 13, 2002, for battery on Ms. Garcia in the HMG/VMG office. Ms. Garcia was injured. A criminal case filed against petitioner stemming from the battery on Ms. Garcia was later dismissed.

42. Petitioner made a defensive presentation at the proceedings seeking the issuance of the ISO against his license on May 16, 2003. Judge Waxman, after considering all the evidence presented by petitioner, concluded,

There can be no doubt that respondent owned and operated a medical clinic free of supervision. Although respondent claimed Dr. Encina was the clinic's Medical Director and respondent's supervisor, he offered no evidence that Dr. Encina ever saw any patients at HMG. The only evidence of Dr. Encina's supervision of respondent was limited to three patient visit charts signed by Dr. Encina under respondent's signature. Two of those visits occurred in January of 2001. The other occurred in July of 2000, three months before Dr. Encina signed respondent's offer of employment. Except for certain documents containing the purported signature of Dr. Encina, which Dr. Encina has sworn under penalty of perjury he did not sign, respondent offered no evidence that Dr. Encina served as a physician, Medical Director, or nurse practitioner/physician assistant supervisor anytime after February 10, 2001, when a "payroll" check was issued payable to him. Had Dr. Encina actually been the Medical Director of HMG during the period claimed by respondent, one would expect additional and more convincing evidence of that fact.

Further, if Dr. Encina was indeed the Medical Director of the clinic during the time period claimed by respondent, it is illogical that respondent would find it necessary to represent to Vantage (1) that Drs. Date and Cisneros were on staff so that Vantage continued to send patients to see those physicians on numerous occasions; (2) that, in March of 2002, Dr. Date was his supervisor; and (3) that, in June of 2002, Dr. Date was the physician at HMG.

43. The Deputy Attorney General correctly pointed out that petitioner's burden is to prove both current fitness to practice and rehabilitation from acts of dishonesty and unethical behavior on what can only be described as on a grand scale. Petitioner has not practiced in any capacity since 2003, and has not practiced as a PA with appropriate physician supervision since at least early 2000. The circumstances of his supervision and practice between 1993 and 2000 is completely opaque on this record. He produced no evidence of current fitness to practice, save some unpersuasive testimony that he has taken some on-line continuing medical education courses and read some books and journals.

44. Petitioner's evidence of rehabilitation from his serial acts of dishonesty and fraud was all but nonexistent, and amounted to little more than a plea for a second chance and mercy, based on hardship to himself and his family. Petitioner evidenced a stunning lack of insight into the repeated acts of deliberate dishonesty and wide ranging frauds he orchestrated in order to run HMG for more than three years with essentially no physician oversight. His testimony and personal statement in support of his Petition was laden with

blame of others and a lack of recognition of the gravity and scope of the fraud and dishonesty that he engaged in at HMG. The fraud and deception petitioner orchestrated at HMG is nothing less than incredible in its scope, dimensions and duration. It stopped only when the Board intervened. Petitioner's testimony and presentation at the ISO proceedings and in support of his Petition reflected that petitioner has completely dissociated himself from any personal responsibility or acceptance of the wrongfulness of his conduct in opening and operating the HMG/VMG clinics in the manner in which he did. There was no evidence of contrition or remorse, save for the consequences he has suffered in his personal and family life from being barred from practice. He continues to portray himself as a victim of his own business naivete', which was belied by his persistent filing and refilling of fraudulent documents with the Secretary of State and the Board. He characterized himself as "the businessman who was led astray."

45. Petitioner's presentation was also striking for his claim that he never received or was aware of the statutes, rules and regulations that govern PA practice in California for the first 10 years of his practice. It was even more striking that he claimed to still not have or be aware of those regulatory requirements. His offer in his testimony to now obtain and read the statutes and regulations carefully and get help with interpreting them so he can understand the requirements seemed absurd under the circumstances.

46. Petitioner performed some community service at a community women's clinic from mid-October 2006 to late December 2006, and again between February and April 2007. He performed handyman services. He found the experience rewarding, but stated that he got involved because a friend told him he should do it. His sign in sheets for the work were completed after the dates of service and contained inaccuracies; not a good sign for a person who is trying to prove he has repudiated past practices of fraud, filing false documents and deceitfulness. Petitioner claimed that his service work made him more aware of the "ethical and moral dimensions of medical practice." He neglected to say how he obtained this understanding, and his filing of questionable documentation of his service belies the claim.

47. Petitioner provided two letters of recommendation in support of his Petition. Neither writer expressed any awareness of the acts and omissions that resulted in Petitioner's loss of license. The letters are remarkably vague, and one from Dr. Gupta actually claims Dr. Gupta supervised Petitioner at HMG for about a year. These letters were manifestly unpersuasive and unconvincing.

48. Nevertheless, the Board recognizes that there is some evidence that petitioner is a kind and compassionate man who genuinely cares for patients. He would be well served in the future to address himself to rehabilitation efforts, including counseling or therapy, that directly address the character deficits that led to the misconduct. His remorse should be directed away from his own losses and self-victimization and toward the long series of dishonest acts and omissions that led to the loss of his license. He would also be well served to attend and complete a Physician's Assessment and Clinical Education (PACE) assessment and remedial practice refresher course before seeking reinstatement.

49. Counsel's repeated claims in the Petition hearing that petitioner is well trained, skillful, competent and knowledgeable has no support in the evidence. He may have been so in 1993 and even 1999, but there is no current evidence regarding his competence or skills. Petitioner would also be well served to obtain work in the health care field, using one of his degrees, such as in nursing or medical assisting. Petitioner's claims that he has "looked everywhere" for employment rings hollow, as he has exceptional credentials in areas where skills are in demand. However, he demonstrated a significant ethical and honesty deficit that could prove, without some recognition and rehabilitation, to be a significant impediment to employment in any position of trust.

50. Petitioner's offer to provide any assurances necessary to persuade the Board he is safe to practice is backward. First, petitioner must produce substantial and persuasive evidence of current fitness and rehabilitation directly addressed to the deficits that led to the action, then the petitioner may offer assurances based upon that solid footing. At present, assurances are nothing more than more talk from an individual who badly abused the trust his licensure provided, engaging in deceitful and fraudulent conduct repeatedly over a more than three year period. Under these circumstances, it will take far more than mere offers or more verbal promises to prove current fitness and rehabilitation.

LEGAL CONCLUSIONS

1. Government Code section 11522 provides that a licensee subjected to a disciplinary action may petition for penalty relief, including reinstatement, termination of probation or modification or elimination of conditions imposed, upon making an adequate showing of good cause for such action. "...[I]t is important to bear in mind that in a proceeding for the restoration of a revoked license, the burden at all times rests on the petitioner to prove he has rehabilitated himself and is entitled to have his license restored."² Proof of reinstatement must be sufficient to overcome the Board's previous adverse determination.³ The proof must address petitioner's activities since revocation of the license and his present qualifications, ability and learning.⁴

2. Business and Professions Code section 3527, provides in pertinent part:

(a) The committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a

² *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398, *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.3d 308, 315-16.

³ *Id.*

⁴ *Flanzer*, p. 1398.

violation of the Medical Practice Act, or a violation of the regulations adopted by the committee or the board.

(b) The committee may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.”

3. California Code of Regulations (CCR), title 16, section 1399.526, sets forth the criteria the Committee is to consider when evaluating rehabilitation for the purposes of reinstatement, for considering whether to deny an application, or in fixing a penalty:

(a) When considering the denial of a license or approval under section 480 of the code, the committee or the board, as the case may be, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or approval, shall consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (a) or (b).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering a petition for reinstatement of a license or approval under the provisions of section 11522 of the Government Code, the committee or board, as the case may be, shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in this section.

4. There are strikingly significant factors in aggravation present in this case. The events leading to the surrender of petitioner's license are not remote and were very serious and pervasive. Petitioner has exhibited no insight into the wrongfulness of his conduct and continues to cast himself as the victim and blame others.

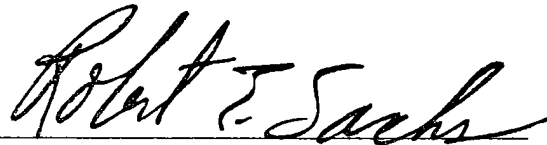
5. Petitioner's evidence of current fitness to practice and rehabilitation addressed to the deficits that led to the Interim Suspension of his license and its ultimate surrender in the fact of an action to revoke is all but nonexistent.

6. On balance, considering all the facts and circumstances in light of the Board's criteria, and mindful of the Board's mission to protect the health, safety and welfare of consumers of medical services in California, petitioner is not currently fit to practice, continues to represent the same or more danger to the health, safety and welfare of patients in the State that he did when the ISO was issued, due to the lack of evidence of current fitness to practice and lack of evidence of rehabilitation. There is no basis in fact or law to grant this Petition.

ORDER

The Petition of Bab Haya to the Physician Assistant Committee, Medical Board of California, seeking reinstatement of revoked Physician Assistant Certificate number 13074, is DENIED.

DATED: July 1, 2008

A handwritten signature in black ink, reading "Robert E. Sachs". The signature is fluid and cursive, with the first name "Robert" and last name "Sachs" clearly legible.

ROBERT E. SACHS, P.A.-C, President
Physician Assistant Committee
Medical Board of California